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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,167	05/24/2000	Paul Entwistle	00279	4629

7590

01/30/2004

Mark G Kachigian  
Head Johnson & Kachigian  
228 West 17th Place  
Tulsa, OK 74119

EXAMINER

HOYE, MICHAEL W

ART UNIT PAPER NUMBER

2614

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/578,167

Applicant(s)

ENTWISTLE, PAUL

Examiner

Michael W. Hoye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/22/03 have been fully considered but they are not persuasive.

As to claim 1, the Applicant argues that, "The prior art...relates to manipulation of the data packets themselves including PIDs rather than just the PIDs to allow a single data stream to be formed from a plurality of data streams."

Regarding USPN 5,754,651 to Blatter et al, the Applicant argues that, "the packetized data stream including the PIDs is demodulated and repurposed in US 5,754,651 and not just the PIDs as in the present invention."

Finally, regarding USPN 5,835,493 to Magee et al, the Applicant argues that, "[The Magee et al patent] suffers from the same problems as US 5,754,651 to Blatter et al and provides no further teaching to the solution of the present disclosure."

In response to the Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., just or only the data packet identifiers (PIDs) of each stream are demultiplexed and remapped...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in lines 4-5 of the claim the words, "...data said receiving apparatus" should be --data, said receiver apparatus--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al (USPN 5,754,651), in view of Magee et al (USPN 5,835,493), both cited by the applicant.

As to claim 1, note the Blatter et al reference which discloses a broadcast data receiver apparatus. The claimed receiving and processing data from a number of received data transport streams is met by transport system 25 shown in Fig. 1, which receives data streams from antenna 10 (col. 3, lines 24-26 & 38-39), as well as storage device 90, and storage medium 105, the claimed data broadcast from a remote location is met by the data received by antenna 10 in Fig. 1, the claimed processing means capable of processing a single stream of data is met by transport decoder 55 in Fig. 1, further including elements 45 and 47, the claimed apparatus incorporating means for receiving data transport streams and processing such that each stream is demultiplexed is met by the input processor 15, the demodulator 20, and the decoder 30, wherein demultiplexing is inherently performed, the claimed re-mapping and selected portions of data from said transport streams are multiplexed into a single transport stream of data is met by control

signal C and multiplexer (mux) 37 in Fig. 1 (col. 4, lines 23-52, also see col. 8, lines 17-54).

Although the Blatter et al reference discloses all aspects of the claimed apparatus, the Magee et al reference discloses some portions of the claim in more detail. The Magee et al reference discloses a receiver apparatus that receives multiple data transport streams in the DLM's 110 in Fig. 2 (col. 12, lines 24-25), where the transport streams received are clearly remapped (col. 12, lines 7-16) and selected portions of data from the transfer streams are multiplexed into a single transport stream (col. 7, lines 46-48; col. 8, lines 1-8; and col. 9, line 64 – col. 10, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the broadcast data receiver apparatus of Blatter et al with the transport stream remultiplexer apparatus of Magee et al for the advantage of receiving multiple separate data transport streams wherein each stream is demultiplexed, remapped, and selected portions of data are multiplexed into a single transport stream. One of ordinary skill in the art would have been led to make such a modification since selecting portions of data from transport streams and multiplexing the data into a single transport stream is well known in the art, especially, in the art of remultiplexers.

As to claim 2, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the transport streams of data are received from both a remote broadcast location as met by the antenna 10 as shown in Fig. 1, and data storage means connected to or incorporated in the receiver as met by the storage device 90 and storage medium 105 as shown in Fig. 1.

As to claim 3, the Blatter et al reference discloses the claimed broadcast receiver apparatus wherein said single transport stream of data generated by the multiplexing steps

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includes selected packets of data from the data transport streams of data received as described in col. 4, lines 23-56.

As to claim 4, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein said packets of data are selected automatically as they represent data that is required for the said broadcast data receiver apparatus operate in response to user selections as described in col. 4, lines 23-56, where a user selects the content or programs he wishes to view (lines 32-33), and the system controller 115 uses the selection information to configure the system to select the data packets identified and using control signal C, which is sent to the multiplexer 37 for selecting the proper transport stream.

As to claim 5, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the selected data that is multiplexed into a single stream is stored or recorded in accordance with the operating parameters for the receiver apparatus as described in col. 4, lines 32-56, where the selected data or programs are stored according to the operating parameters selected by the user.

As to claim 6, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the data processing means are integrated circuits (see col. 16, lines 54-58, where the functions of the elements of Fig.1 may be implemented in whole or in part by a micro processor, which is inherently an integrated circuit), which accept one data input stream as shown by the single data stream output by the multiplexer 37 that is sent to elements 45 and 47 in Fig. 1.

As to claim 7, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the single transport data stream is presented to single data stream input

components in the receiver as shown by the single data stream output by the multiplexer 37 that is sent to elements 45 and 47 in Fig. 1, which allow the data to be used to perform a designated function such as ultimately displaying the data or storing the data (col. 4, lines 59-65).

As to claim 8, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the designated function is selected from the generation of video displays (col. 4, lines 32-33), the recording of programs (col. 4, lines 32-34), the playback of programs (col. 4, line 45), the generation of electronic program guides (col. 16, lines 58-61) or on-screen menu selection (col. 4, lines 32-35), linking with Internet services and other apparatus (col. 3, lines 30-37).

As to claim 9, note the Blatter et al reference which discloses a method for the generation of a single stream of data. The claimed generation of a single stream of data for subsequent processing, from received multiple transport streams of data is met by the multiplexer 37 (Fig. 1) receiving multiple transport streams of data and generating a single output stream of data. The claimed step of receiving a plurality of transport streams of data is met by transport system 25 shown in Fig. 1, which receives data streams from antenna 10 (col. 3, lines 24-26 & 38-39), storage device 90, and storage medium 105, the claimed demultiplexing the data streams is inherently performed by the input processor 15, the demodulator 20, and the decoder 30, the claimed re-mapping the said data and selecting packets of data from the transport streams in accordance with user selection criteria is met by a user selection through the use of the remote control unit 125, which causes the receiver apparatus system controller 115 to send control signal C and select signal paths through the use of multiplexer (mux) 37 in Fig. 1 (see col. 4, lines 23-52), and the claimed multiplexing the said selected packets of data into a single stream of data

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for subsequent processing is also met by mux 37 as described above. Although the Blatter et al reference discloses all aspects of the claimed method, the Magee et al reference discloses some portions of the claimed method in more detail. The Magee et al reference discloses a method for receiving multiple data transport streams in the DLM's 110 in Fig. 2 (col. 12, lines 24-25), where the transport streams received are remapped (col. 12, lines 7-16) and selected portions of data from the transfer streams are multiplexed into a single transport stream (col. 7, lines 46-48; col. 8, lines 1-8; and col. 9, line 64 – col. 10, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Blatter et al for the generation of a single stream of data for subsequent processing with the transport stream remultiplexer method of Magee et al for the advantage of receiving multiple separate data transport streams wherein each stream is demultiplexed, remapped, and selected portions of data are multiplexed into a single transport stream. One of ordinary skill in the art would have been led to make such a modification since selecting portions of data from transport streams and multiplexing the data into a single transport stream is well known in the art, especially, in the art of remultiplexers.

As to claim 10, the Blatter et al reference discloses the claimed method wherein at least one of the transport streams of data is broadcast data received from a remote location containing audio, video, and auxiliary services data is met by the antenna 10 as shown in Fig. 1 which receives transport streams of data containing audio, video, and/or other communications data (see col. 3, lines 24-40).

As to claim 11, the Blatter et al reference discloses the claimed method wherein demultiplexing of the received data from each transport stream is performed in accordance with



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the data and identified by the receiver to identify the packets of data as described by the transport stream contains Program Specific Information (PSI) that is identified by the receiver and used for identifying Packet Identifiers (PIDs) which identify the packets of data (col. 4, lines 23-56).

As to claim 12, the Blatter et al reference discloses the claimed method wherein the re-mapping of the data packets identifier takes place under control of the receiver to allow the required data to be multiplexed into a single stream and avoid identifier clashes between packets of data from different program streams as described in col. 8, lines 17-47 (specifically, lines 40-47), also see col. 4, lines 23-47.

As to claim 13, the Blatter et al reference discloses the claimed method wherein the locally controlled re-mapping of the PIDs allows the origin of the data to be subsequently identified in subsequent processing the same by the inherency of using PID allocation schemes that avoid potential PID ambiguity which allows the origin of the data to be maintained (col. 8, lines 17-54).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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**Or faxed to: (703) 872-9306**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye  
January 16, 2004



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600